



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668


May 20, 2004

Magalie R. Salas, Secretary
Federal Energy Regulatory Commission
888 First Street NE
Washington, D.C. 20426

Dear Secretary Salas,

The National Marine Fisheries Service (NOAA Fisheries) requests that you grant the enclosed motion to intervene for the relicensing of the Chignik Hydroelectric Project on Indian Creek in Alaska. NOAA Fisheries has been an active participant in the relicensing process and desires to remain actively involved for the remainder of this proceeding.

Sincerely,

for 
James W. Balsiger
Administrator, Alaska Region

Enclosure

cc: Service List



UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

NorQuest Seafoods Inc.)	
)	
Chignik Hydroelectric Project)	Project No. 620-009
)	
Request for Relicensing)	

NATIONAL MARINE FISHERIES SERVICE

MOTION TO INTERVENE

Introduction

NorQuest Seafoods, Inc., has submitted an application for relicensing of its power facility at Chignik, Alaska. The National Marine Fisheries Service hereby moves to intervene in the above matter, in accordance with the Federal Power Act, 16 U.S.C. 791a et seq. Service of process and other communications regarding this motion and the proceedings for relicensing should be made to:

Thomas Meyer, Attorney Advisor
Office of General Counsel, Alaska Region
National Oceanic and Atmospheric Administration
P.O. Box 21109
Juneau, AK 99802
Telephone 907/586-7414x234

Jeanne Hanson, Field Office Supervisor
National Marine Fisheries Service
222 West 7th Avenue, #43
Anchorage, Alaska 99513
Telephone 907/271-3029

Interest of the Petitioner:

Petitioner, the National Marine Fisheries service (NOAA Fisheries), an agency of the

Department of Commerce, is the Federal agency with primary responsibility for management of the Nation's living marine resources. NOAA Fisheries conserves, protects, and manages living marine resources to support sustainable fisheries and healthy ecosystems on behalf of the American public. The Federal Power Act, 16 U.S.C. 791a et seq, authorizes NOAA Fisheries to prescribe license conditions necessary to protect, mitigate damage to, and enhance fish and wildlife (including spawning habitat) affected by the development, operation and management of a non-federal hydropower project. NOAA Fisheries' general interest in the protection of marine, estuarine and anadromous fishery resources also derives from the Anadromous Fish Conservation Act, 16 U.S.C. 757(a), the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 et seq., the National Environmental Policy Act, 42 U.S.C. 4321 et seq, and the Pacific Salmon Treaty Act of 1985, 16 U.S.C. 3631-3644.

NOAA Fisheries is responsible for oversight and evaluation of activities that may affect marine, estuarine, and anadromous fishery resources. In order to assure "equal consideration fish and wildlife with other purposes," the Fish and Wildlife Coordination Act, 16 U.S.C. 661-666(c), requires that NOAA Fisheries be consulted "whenever the waters of any stream or other body of water are proposed or authorized to be impounded...for any purpose whatsoever...by any public or private agency under Federal permit or license... . Such consultation is intended to prevent loss and damage to fish and wildlife resources and to develop and improve these resources."

Grounds for Intervention:

Norquest Seafoods is requesting relicensing of an existing project which consists of a timber dam at the outlet of Indian Lake and a 7700-foot long wood stave and steel pipeline, which transports up to 2.7 cfs of water to a 60 kW turbine for power generation. Additionally, the pipeline

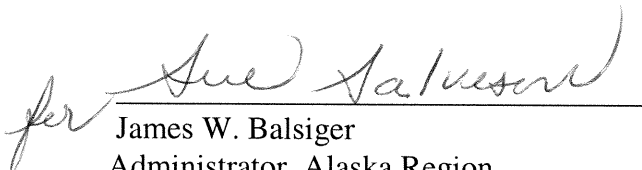
transports water for both seafood processing and domestic water supply. No new facilities or changes in operation are proposed.

Indian Creek has been specified by the State of Alaska as being important for the spawning, rearing, or migration of anadromous fishes, including pink salmon, coho salmon and Dolly Varden char. NOAA Fisheries has been working collaboratively with the applicant and other State and Federal resource agencies for several years to develop information for the draft license application and environmental assessment, and to establish minimum in-stream flows to maintain fish habitat.

Position of the Petitioner:

Due to the statutory responsibilities of NOAA Fisheries to conserve, protect, and manage living marine resources, and the belief that the Chignik Hydroelectric Project will impact those resources, NOAA Fisheries on behalf of the Department of Commerce hereby submits this Motion to Intervene. We request that the Commission grant our request for intervention in this proceeding so that we may participate fully and, as authorized by the Federal Power Act, recommend or prescribe license terms and conditions necessary for the protection of anadromous fish.

Respectfully submitted for NOAA Fisheries this __ day of May, 2004, in Juneau, Alaska.


James W. Balsiger
Administrator, Alaska Region

CERTIFICATE OF SERVICE

I hereby certify that I have this day served upon the Federal Energy Regulatory Commission, by Federal Express, a Motion to Intervene in this matter plus fourteen copies to its place of business located at 888 First Street, N.E., Washington D.C., 20426.

Mary B. Goode

Mary B. Goode, Administrative Office Assistant
NOAA Fisheries, Alaska Region, Habitat Conservation Division